Remarks:

Claims 1-23 are pending in this application.

The Examiner has rejected claims 1, 6-11, 12-15, 17-20 and 22 under 35 U.S.C. 103(a) as being obvious with regard to U.S. Patent No. 6,205,557 to Chong (hereinafter "Chong") in view of U.S. Patent No. 5,430,709 to Galloway (hereinafter "Galloway"). The applicant respectfully disagrees.

In order to properly reject the claims on the basis of obviousness, the Examiner must establish (1) the presence of all the claimed elements in the prior art and (2) a motivation in the prior art to combine or modify the references at the time the invention was made. It is submitted that the Examiner has failed to satisfy both of these conditions.

The Examiner has identified an interface server of Chong as equivalent to the media gateway of claim 1. Claim 1 requires that a call server (say, a standby call server) send a request, to a media gateway, for information regarding an active media connection. In contrast, the active call server in Chong may, after receiving an original signaling message, send a response to the interface server indicating a requirement for more call information. As the Examiner admits, the call information relates to a call at a call setup stage, failing to teach the information being regarding an active media connection. The Examiner then cites Galloway to show evidence of monitoring of active media connections.

It is submitted that the combination of Chong and Galloway would result in an active call server that could monitor an active media connection. Thus, the active call server would have no need to request, from a media gateway or interface call server, information regarding an active media connection, as all the information regarding the active media connection would be available from the monitoring.

As such, it is submitted that all the elements claimed in claim 1 are not found in Chong, Galloway or a combination of Chong and Galloway. It is therefore submitted that claim 1 is patentable over the combination of Chong and Galloway. It is further submitted that claims 6-11, which depend directly from claim 1, are patentable over the combination of Chong and Galloway.

Additionally, since claims 12 and 13 claim a call server operable to perform the elements of claim 1 and a computer readable medium for adapting a call server to be operable to perform the elements of claim 1, respectively, applicant submits that all the elements claimed in claims 12 and 13 are not found in Chong, Galloway or a combination of Chong and Galloway. It is therefore submitted that claims 12 and 13 are patentable over the combination of Chong and Galloway.

Claim 14 requires that a call server (say, a standby call server), responsive to receiving an indication of a failure of a primary call server, send a request, to a media gateway, for information regarding an active media connection. In contrast, it is submitted that, in Chong, it assumed that the standby call server, responsive to receiving an indication of a failure of the active call server during call setup, has all the information necessary to complete establishing the call (see col. 5, lines 20-32) and, therefore, would not need to send a request as required by claim 14. As Galloway provides for monitoring of an active connection and a standby call server does not generally handle an active connection, Galloway appears to provide incentive to send a request to a media gateway.

In view of the forgoing, applicant submits that all the elements claimed in claim 14 are not found in Chong, Galloway or a combination of Chong and Galloway. It is therefore submitted that claim 14 is patentable over the combination of Chong and Galloway.

Claim 15 relates to the activity of a media gateway. In particular, claim 15 relates to the provision of a record of an active media connection to a call server, responsive to a request for such a record from the call server. As has been discussed above, it is submitted that the call servers of Chong, when modified to monitor active connections as disclosed in Galloway, do not need to request information regarding active media connections from the media gateway and, therefore, neither Chong nor Galloway suggest or disclose "receiving, from a call server, a request for information regarding said active media connection," as claimed in claim 15.

In view of the forgoing, applicant submits that all the elements claimed in claim 15 are not found in Chong, Galloway or a combination of Chong and Galloway. It is therefore submitted that claim 15 is patentable over the combination of Chong and Galloway.

Additionally, since claim 22 claims a computer readable medium for adapting a media gateway to be operable to perform the elements of claim 15, applicant submits that all the elements claimed in claim 22 are not found in Chong, Galloway or a combination of Chong and Galloway. It is therefore submitted that claim 22 is patentable over the combination of Chong and Galloway.

The Examiner has also rejected claims 2-5 and 16 under 35 U.S.C. 103(a) as being obvious with regard to Chong in view of Galloway in further view of what would have been obvious to one of ordinary skill in the art at the time the invention was made. The applicant respectfully disagrees.

It has been presented hereinbefore in conjunction with the discussion of the rejection of claim 1 that neither Chong nor Galloway suggest or disclose "sending a request, to a media gateway, for information regarding said active media connection". Claim 2 depends from claim 1 and provides an additional limitation of formulating the request "using a network management protocol". Claim 3 depends from claim 2 and requires that the network management protocol be the Simple Network Management Protocol. Claim 4 depends from claim 2 and requires that the network management protocol be the Media Gateway Control Protocol. Claim 5 depends from claim 2 and requires that the network management protocol be the Session Initiation Protocol. It is submitted that, since, as is submitted, neither Chong nor Galloway disclose the sending of a request, the nature of the request, as specified in claims 2-5 would not have been obvious in view of Chong, Galloway or the state of the art.

As such, it is submitted that all the elements claimed in claims 2, 3, 4 and 5 are not found in Chong, Galloway or the state of the art. It is therefore submitted that 2, 3, 4 and 5 are patentable over the combination of Chong, Galloway and the state of the art.

It has been presented hereinbefore in conjunction with the discussion of the rejection of claim 15 that neither Chong nor Galloway suggest or disclose "receiving, from a call server, a request for information regarding said active media connection". Claim 16 depends from claim 15 and provides an additional limitation of receiving the request "using the Simple Network Management Protocol."

It is submitted that, since, as is submitted, neither Chong nor Galloway disclose the receipt of a request for information regarding an active media connection, the manner in which the request is received, as specified in claim 16, would not have been obvious in view of Chong, Galloway or the state of the art.

As such, it is submitted that all the elements claimed in claim 16 are not found in Chong, Galloway or the state of the art. It is therefore submitted that 16 is patentable over the combination of Chong, Galloway and the state of the art.

The Examiner has also rejected claims 21 and 23 under 35 U.S.C. 103(a) as being obvious with regard to U.S. Patent No. 6,724,747 to Arango (hereinafter "Arango") in view of the already combined teachings of Chong and Galloway as applied to claims 1, 12-15 and 22. The applicant respectfully disagrees.

The Examiner admits that Arango is missing some of the functionality of claims 21 and 23 by being silent about sending from the media gateway to the backup call server information regarding an active media connection terminated at a primary server; and receiving the information at the backup call server. The Examiner then cites Chong and Galloway to provide the missing functionality. However, it is submitted, relative to claim 21, that Chong is also silent about sending from the media gateway to the backup call server information regarding an active media connection terminated at a primary server. In particular, Chong is silent about sending information regarding an active media connection. It is submitted that the media connections about which Chong discloses the transmission of information are in setup stage, and are, therefore, not yet active. Additionally, the teachings of Galloway relate to monitoring active connections at a call server and, as has been submitted above, a call server that monitors an active media connection need not request information about an active media connection from a media gateway.

It is further submitted, relative to claim 23, that Chong is silent, as discussed hereinbefore, about a backup call server sending a request for "information regarding an active media connection" to a media gateway. Furthermore, while maintaining status as a backup call server, the call server does not handle packets and, as such, may not monitor active media connections as disclosed by Galloway.

As such, it is submitted that all the elements claimed in claims 21 and 23 are not found in Arango, Chong, Galloway or a combination of Arango, Chong and Galloway. It is therefore submitted that claims 21 and 23 are patentable over the combination of Arango, Chong and Galloway.

Favorable reconsideration and allowance of claims 1-23 of the application is earnestly solicited.

Respectfully submitted,

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